

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

GREGORY THURSBY, #653884

§

VS.

§

CIVIL ACTION NO. 6:12cv293

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Gregory Thursby, a prisoner confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge John D. Love, who issued a Second Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed for failure to obey an order and failure to prosecute. The Petitioner has filed objections.

The petition for a writ of habeas corpus was filed on April 30, 2012. The Petitioner has been given numerous deadlines to either pay the \$5 filing fee or submit an application to proceed *in forma pauperis*. In his objections to the Second Report and Recommendation, the Petitioner stated that he was trying to get the matter resolved internally at TDCJ. Although he has been providing the same excuse since July 2012, he was given another extension of time to comply with the Court's order. He was placed on notice that the Second Report and Recommendation would be forwarded for final consideration if he did not comply with the order by October 31, 2012. He has not, however, complied with the Court's order.

The Second Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for

consideration, and having made a *de novo* review of the objections raised by Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Second Report and Recommendation (docket entry #22) is **ADOPTED**.

It is further

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for failure to obey an order and for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. It is finally

**ORDERED** that all motions not previously ruled on are **DENIED**.

**It is SO ORDERED.**

**SIGNED this 2nd day of November, 2012.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE